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**OCT 18 2005**

**OFFICE OF PETITIONS**

In re Application of :  
David C. Hacker, Stanley A. Skinner, Ensor E. :  
Transfeldt, Peter P. Sterrantino, and Lionel :  
Rupp :  
Application No. 10/754,493 :  
Filed: January 12, 2004 :  
Attorney Docket No. 2401.0146.US :  
Title: APPARATUS AND METHOD FOR :  
INTRAOPERATIVE NEURAL :  
MONITORING :

DECISION ON RENEWED PETITION  
UNDER 37 C.F.R. §1.47(A)

This is in response to the renewed petition under 37 C.F.R. §1.47(a)<sup>1</sup>, filed September 27, 2005.

On January 12, 2004, the application was deposited with a declaration identifying David C. Hacker, Stanley A. Skinner, Ensor E. Transfeldt, Peter P. Sterrantino, and Lionel Rupp as joint inventors. The declaration had been executed by each of the joint inventors save Mr. Rupp. On April 14, 2004, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration in compliance with 37 C.F.R. §1.63, as well as the surcharge associated with the late submission of an oath or declaration. This Notice set a two-month period for reply.

1A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
  - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

The original petition was submitted on October 14, 2004, and was dismissed via the mailing of a decision on May 31, 2005, for failing to establish that a complete copy of the application was sent to the legal representative of the deceased non-signing joint inventor, and for failure to submit an acceptable declaration.

With this renewed petition, an acceptable declaration has been provided, and it has been established that a complete copy of the application has been sent to the legal representative of the deceased non-signing joint inventor.

Therefore, the renewed petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



**Paul Shanowski**  
**Senior Attorney**  
**Office of Petitions**  
**United States Patent and Trademark Office**